

January 8, 2016

VIA ECF

The Honorable Charles R. Breyer
United State District Judge
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2 (Dkt.# 336), please accept this letter as the undersigned's application for a position on the Plaintiffs' Steering Committee ("PSC") in above-captioned case. I wish to represent, on the PSC, the interest of Volkswagen's consumers: purchasers and lessees, in the United States, of the "clean diesel" vehicles.

I am lead counsel in *Aaron Naparstek v. Volkswagen Group of America, Inc.*, 3:15-md-02672-CRB. Mr. Naparstek is a VW owner and the creator of Streetsblog, a website and community providing daily coverage of transportation, land use, and environmental issues since 2006. He is also the author of *Honku: The Zen Antidote to Road Rage* and an internationally recognized expert and advocate concerning the intersection of transportation, urban planning/design, land use and the environment. (See Exhibit A for Mr. Naparstek's abbreviated curriculum vitae.)

I am one of the two founding partners of Gutride Safier LLP ("GSLLP"), a boutique litigation firm headquartered in San Francisco. GSLLP attorneys are admitted to practice in California, Texas, Massachusetts, and Missouri. (An abbreviated firm resume is filed herewith as Exhibit B.)

During the past twenty+ years, I and the other seven attorneys at GSLLP have litigated over fifty class actions, primarily on behalf of consumers. For the past fifteen years, that work has been exclusively on behalf of plaintiff classes. Prior to forming and/or joining GSLLP, the attorneys at GSLLP, including myself, all represented defendants at large firms, including at Orrick Herrington, Quinn Emanuel, Cooley, Baker & McKenzie, and Kecker & Van Nest.

Although I have not been previously appointed as lead counsel or served on a PSC in an MDL, I and my firm have been appointed lead class counsel in over a dozen cases through out the country, including many in this District. For example, we have been so appointed by Judges William Alsup, Laurel Beeler, Vaughn R. Walker, James Ware, Jeffrey

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S. White, and Claudia Wilken in this District. We also have been so appointed by Judges James F. Holderman in the District of Illinois and Dale S. Fischer in the Central District of California, as well as by Judges Richard A. Kramer, Thomas Mellon, Jr., John E. Munter, James L. Warren, Mary E. Wiss and Charlotte Walter Woolard in the San Francisco Superior Court.¹ GSSLP is currently serving as lead counsel in cases pending in the Northern and Central Districts of California, the District of Delaware, the District of New Jersey, the District of Massachusetts, the Eastern District of Texas, the Northern District of New York, and the California Superior Court, many of which are putative class actions. GSSLP also was sole counsel in several leading Ninth Circuit cases that broadened consumer rights, including *Stearns v. Ticketmaster Corp.* 655 F.3d 1013 (9th Cir. 2011) and *Chavez v. Blue Sky Natural Beverage Co.* 340 Fed.Appx. 359 (9th Cir. 2009).

GSSLP has substantial experience in national mass tort and class actions involving consumer products and services, including in software; laptop, desktop and tablet computers; mobile phones; data storage devices; automobile defects (BMW); pharmaceuticals; supplements; food and beverages; consumer lending; online video rentals; car rentals; dial up internet access; and automated automobile toll processing. GSSLP also prosecutes and litigates patents, including primarily software patents. In that context, GSSLP and its attorneys have developed significant expertise in software programming and algorithms, database systems and operations, and computer hardware.

I, and all of the attorneys at GSSLP, have the time to productively serve on the PSC. I hereby state my willingness to commit a minimum of 2,500 hours of annual attorney time, with the largest share being my own time, toward the successful resolution of this litigation for consumer class members. I additionally assure this Court that GSSLP has the financial resources, experience, and drive requisite to serving on the PSC.

Finally, I am willing and able to work cooperatively with all counsel in this case. Indeed, in several other class actions, GSSLP has been opposite the lawyers from Mayer Brown who are representing VW in this case. Although the cases have been hard fought, I can report, and I am confident that opposing counsel would similarly report, that the cases were litigated professionally, cooperatively, and respectfully, as should be done in all cases. GSSLP attorneys also are experienced working with co-counsel on behalf of plaintiffs' classes. Before offering support to other firms who are applying for appointment to the PSC or as lead counsel, or seeking support from those firms for this application, I thought it wise to review all the applications that are being submitted.

¹ For brevity, I have not included contact information for any of these Judges, as they are undoubtedly all well known to this Court.

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Accordingly, given my experience, resources and capabilities, I respectfully request that Your Honor appoint me to the Plaintiffs' Steering Committee in this case to serve on behalf of all consumer claimants.

Sincerely,

A handwritten signature in blue ink, appearing to read "Seth A. Safier", with a long horizontal flourish extending to the right.

Seth A. Safier